

Message

From: Wester, Barbara [wester.barbara@epa.gov]
Sent: 11/9/2015 5:29:55 PM
To: Melgin, Wendy [melgin.wendy@epa.gov]; Westlake, Kenneth [westlake.kenneth@epa.gov]; Burdick, Melanie [Burdick.Melanie@epa.gov]
CC: Kenney, Thomas [kenney.thomas@epa.gov]
Subject: FW: Following up on PolyMet Questions

fyi

From: Paula Maccabee [mailto:pmaccabee@justchangelaw.com]
Sent: Wednesday, November 04, 2015 10:09 PM
To: Wester, Barbara <wester.barbara@epa.gov>
Subject: Following up on PolyMet Questions

Barbara,

This email follows up our phone conversation last week in which I asked who at EPA would be addressing various issues related to the PolyMet Final EIS and the EPA's responsibilities under the Clean Water Act, Section 404(c) and implementing regulations.

With respect to the issue of FEIS adequacy, will water division staff review issues related to the predictions of water quality compliance, such as assumptions regarding collection of seepage, the characterization or failure to characterize contaminants, and the prediction of what water chemistry would be but for the proposed project?

With respect to Section 404(c), there are a range of different issues that may call for different areas of expertise. Who is reviewing questions related to wetlands impacts and compensatory mitigation? Who is reviewing issues related to downstream water quality? In particular, to whom should I address information pertaining to methylmercury impacts? Who is reviewing alternatives that could mitigate impacts on wetlands and water quality? Finally, who has taken the lead in developing procedures for exercise of Section 401(a)(1), as described in the article I published last spring in the *William Mitchell Law Review*?

With respect to the above issues, are there staff at EPA Headquarters who are also participating in this review?

As I complete sections of our comments and obtain draft reports from experts, it would be helpful for me to know to whom I could send these materials and with whom I might be able to confer to communicate what we believe are priority issues.

Thank you for your help in making this process more intelligible.

Best regards,
 Paula

Paula Maccabee, Esq.
 JUST CHANGE LAW OFFICES
 1961 Selby Ave.
 St. Paul MN 55104
 phone: 651-646-8890
 fax: 651-646-5754
 Cell: 651-775-7128
 e-mail: pmaccabee@justchangelaw.com
<http://www.justchangelaw.com>

Advocacy Director/Counsel for WaterLegacy

